

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SPHERE 3D CORP.,

Plaintiff,

v.

GRYPHON DIGITAL MINING, INC.

Defendant.

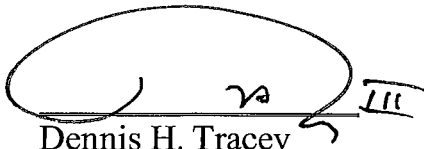
23-cv-2954 (PKC)

PROPOSED STIPULATION AND ORDER OF VOLUNTARY DISMISSAL

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel for the respective parties, that Counterclaim-Plaintiff's Count IV (for Defamation against Counterclaim-Defendant Sphere 3D Corp. and Third-Party Defendant Patricia Trompeter), and Counterclaim-Defendant's Count IV (for violation of New York's Anti-SLAPP Statute against Counterclaim-Plaintiff), are voluntarily dismissed without prejudice.

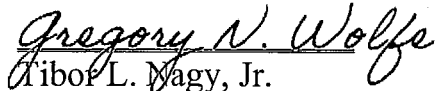
IT IS FURTHER STIPULATED AND AGREED that, as to the claims that are the subject of this stipulation, each party shall bear its own costs and fees incurred.

Dated: November 6, 2023

A handwritten signature in black ink, appearing to read "Dennis H. Tracey", is written over a horizontal line. To the right of the signature, there are some additional handwritten marks, possibly initials or a date.

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Attorneys for Gryphon Digital Mining, Inc.

A handwritten signature in black ink, appearing to read "Gregory N. Wolfe", is written over a horizontal line. The signature is written in a cursive style.

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*Attorneys for Sphere 3D Corp.
and Patricia Trompeter*

Dated: November __, 2023

Hon. P. Kevin Castel, U.S.D.J